

# **EXHIBIT B**

**Civil Administration**

T. FOBBS

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ATTORNEY FOR DEFENDANT BRUCE HOFFMAN

**PHILADELPHIA COUNTY COURT OF COMMON PLEAS, CIVIL TRIAL DIVISION**

Visio Financial Services	:	Case# 170703007
	:	
v.	:	
	:	
Bruce Hoffman	:	
	:	

**DEFENDANT BRUCE HOFFMAN'S EMERGENCY MOTION TO REASSESS DAMAGES**

1. Plaintiff commenced this foreclosure action concerning the property at 1828 W. Venango Street, Philadelphia, PA by filing a Complaint on July 27, 2017. See attached Exhibit A.
2. The parties entered into a Mortgage for said Property on or about October 4, 2017. see attached Exhibit B.
3. A default judgment was entered against Defendant on October 25, 2017 in the amount of \$53,452. See attached Exhibit C.
4. The property is listed for Sheriff's Sale on October 1, 2019. See attached Exhibit D.
5. Defendant has entered into an Agreement of Sale to sell the property for \$80,000.00. See attached Exhibit E.
6. The closing date for said sale is currently scheduled for September 18, 2019.
7. On July 30, 2019 Defendant received a payoff figure from Plaintiff, which states that the current amount owed through August 5, 2019 is approximately \$77,000.00, even though the Writ of Execution filed by Plaintiff on February 14, 2019 states that the amount owed is \$53,452. See attached Exhibit F.
8. A substantial portion of the alleged \$77,000 owed is "unpaid fees" of \$30,046.88. see Exhibit F.
9. Despite repeated requests for an itemization of the unpaid fees, Plaintiff has refused to issue the same to Defendant.
10. The "\$30,046.88 unpaid fees" has not been actually incurred by Plaintiff, is not reasonable, and is not supported by the Mortgage and Balloon Rider entered between the parties.
11. Because the alleged \$77,000 owed is not justified, Defendant will suffer a significant loss if

the judgment amount is not amended to a proper figure.

12. It is well settled that this court has authority to exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. Chase Home Mortgage Corporation of the Southwest v. Good, 537 a.2d 22, 24 (Pa. Super. 1988); Stephenson v. Butts, 142 A.2d 319, 321 (Pa. Super. 1958).

13. This matter is proper for emergency consideration because the sheriff sale of the Property is scheduled for October 1, 2019 – less than 35 days away, and, the instant Motion will not adjudicated prior to the sale date if heard in due course.

**WHEREFORE**, Defendant requests that this Honorable Court grant the herein Motion and amend the Judgment to a proper amount.

Dated: August 26, 2019

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Jermaine Harris, Esquire  
Attorney for Defendant Bruce Hoffman

PHILADELPHIA COUNTY COURT OF COMMON PLEAS, CIVIL TRIAL DIVISION

Visio Financial Services

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v.

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ORDER

AND NOW, this                      day of                      , 2019, the Prothonotary is  
ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the Judgment Nunc Pro  
Tunc in this case as follows:

BY THE COURT:

J.

PHILADELPHIA COUNTY COURT OF COMMON PLEAS, CIVIL TRIAL DIVISION

\_\_\_\_\_  
Visio Financial Services

Case# 170703007

v.

\_\_\_\_\_  
Bruce Hoffman

RULE TO SHOW CAUSE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of  
Defendant's Emergency Motion to Reassess Damages,

IT IS HEREBY ORDERED and DECREED that:

A hearing will be held in the Philadelphia County Court of Common Pleas in City Hall Courtroom  
\_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

BY THE COURT:

\_\_\_\_\_  
J.



**VERIFICATION**

I, Jermaine Harris, Esquire, attorney for Defendant Bruce Hoffman, hereby verify that I am authorized to make this verification on behalf of my client and that the averments set forth in the foregoing are true and correct to the best of my knowledge, information, and belief. This is subject to the penalties set forth in 18 Pa.C.S.A. Section 4904(a) relating to unsworn falsification to authorities.

Dated: August 26, 2019

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Jermaine Harris, Esquire  
Attorney for Defendant Bruce Hoffman

